

## **REMARKS**

Applicant is in receipt of the Office Action mailed July 18, 2008. Claims 82-102 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

### **Section 102 Rejection**

Claims 82-102 were rejected under 35 U.S.C. 102(e) as being anticipated by Shah, et al. (US Pat. Pub. 2003/0231211 A1, “Shah”).

Applicant has spoken with the inventors of the present application regarding the Shah reference, and the inventors indicated that the subject matter regarding function specific property nodes disclosed in Shah was of their invention. Applicant is in the process of procuring a 37 CFR 1.132 Declaration testifying to this fact, and will submit the Declaration upon obtaining signatures from the inventors.

Applicant respectfully submits that the 37 CFR 1.132 Declaration will remove the Shah reference as prior art with respect to the present application, and respectfully requests that the section 102 rejection of the claims be removed upon receipt of the signed 37 CFR 1.132 Declaration.

## **CONCLUSION**

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-81000/JCH.

Also filed herewith are the following items:

- Terminal Disclaimer
- Power of Attorney By Assignee and Revocation of Previous Powers
- Notice of Change of Address
- Other:

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8800  
Date: 2008-10-20 JCH/MSW